

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1403

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Kim, Olsen, and Steinorth)
(Coauthor: Senator Bates)

February 27, 2015

An act to amend Sections 65582 and 65583 of, and to add *and repeal* Section 6538~~to~~, *of*, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1403, as amended, Maienschein. Housing: joint powers agreement.

The Joint Exercise of Powers Act authorizes 2 or more public agencies to enter into an agreement to jointly exercise any power common to the contracting parties.

This bill would provide that, notwithstanding any other provision of the act, a private, nonprofit corporation that provides services to homeless persons or for the prevention of homelessness may form a joint powers agency or enter into a joint powers agreement with a public agency for the purpose of providing frequent user coordinated care housing services, defined by to mean housing combined with other supportive services, as defined, for homeless persons identified by a city or county as the most costly, frequent users of publicly funded emergency services. The bill would require the public agency or agencies to determine the composition of a board of directors to govern an agency formed pursuant to these provisions and would prohibit

representation of private nonprofit corporations on the board in excess of 50%. *The bill would repeal these provisions as of January 1, 2024.*

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. A housing element is required to include an analysis of any special housing needs.

This bill would provide that the analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6538 is added to the Government Code,
2 to read:

3 6538. (a) Notwithstanding any other provision of this chapter,
4 one or more private, nonprofit corporations that are organized
5 pursuant to Section 501(c)(3) of the Internal Revenue Code and
6 provide services to homeless persons or for the prevention of
7 homelessness may form a joint powers agency or enter into a joint
8 powers agreement with one or more public agencies. The agency
9 formed pursuant to this joint powers agreement shall be deemed
10 a public entity, as described in Section 6507, except that,
11 notwithstanding any other law, the agency shall not have the power
12 to incur debt.

13 (b) The purpose of a joint powers agency or agreement
14 authorized by this section shall be to encourage and ease the
15 sharing of information between public agencies and nonprofit
16 corporations, pursuant to subdivision (a), necessary to identify the
17 most costly, frequent users of publicly funded emergency services
18 in order to provide frequent user coordinated care housing services,
19 as defined in subdivision (e) of Section 65582, to homeless persons
20 or to prevent homelessness.

21 (c) An agency formed pursuant to subdivision (a) shall be
22 governed by a board of directors, the composition of which shall
23 be determined by the participating public agency or agencies. The
24 representation of private nonprofit corporations on the board of
25 directors shall not exceed 50 percent.

1 (d) *This section shall remain in effect only until January 1, 2024,*
2 *and as of that date is repealed.*

3 SEC. 2. Section 65582 of the Government Code is amended
4 to read:

5 65582. As used in this article, the following definitions apply:

6 (a) “Community,” “locality,” “local government,” or
7 “jurisdiction” means a city, city and county, or county.

8 (b) “Council of governments” means a single or multicounty
9 council created by a joint powers agreement pursuant to Chapter
10 5 (commencing with Section 6500) of Division 1 of Title 1.

11 (c) “Department” means the Department of Housing and
12 Community Development.

13 (d) “Emergency shelter” has the same meaning as defined in
14 subdivision (e) of Section 50801 of the Health and Safety Code.

15 (e) “Frequent user coordinated care housing services” means
16 housing combined with other supportive services for homeless
17 persons identified by a city or county as the most costly, frequent
18 users of publicly funded emergency services.

19 (f) “Housing element” or “element” means the housing element
20 of the community’s general plan, as required pursuant to this article
21 and subdivision (c) of Section 65302.

22 (g) “Supportive housing” means housing with no limit on length
23 of stay, that is occupied by the target population, and that is linked
24 to an onsite or offsite service that assists the supportive housing
25 resident in retaining the housing, improving his or her health status,
26 and maximizing his or her ability to live and, when possible, work
27 in the community.

28 (h) “Supportive services” include, but are not limited to, a
29 combination of subsidized, permanent housing, intensive case
30 management, medical and mental health care, substance abuse
31 treatment, employment services, and benefits advocacy.

32 (i) “Target population” means persons with low incomes who
33 have one or more disabilities, including mental illness, HIV or
34 AIDS, substance abuse, or other chronic health condition, or
35 individuals eligible for services provided pursuant to the Lanterman
36 Developmental Disabilities Services Act (Division 4.5
37 (commencing with Section 4500) of the Welfare and Institutions
38 Code) and may include, among other populations, adults,
39 emancipated minors, families with children, elderly persons, young

1 adults aging out of the foster care system, individuals exiting from
2 institutional settings, veterans, and homeless people.

3 (j) “Transitional housing” means buildings configured as rental
4 housing developments, but operated under program requirements
5 that require the termination of assistance and recirculating of the
6 assisted unit to another eligible program recipient at a
7 predetermined future point in time that shall be no less than six
8 months from the beginning of the assistance.

9 SEC. 3. Section 65583 of the Government Code is amended
10 to read:

11 65583. The housing element shall consist of an identification
12 and analysis of existing and projected housing needs and a
13 statement of goals, policies, quantified objectives, financial
14 resources, and scheduled programs for the preservation,
15 improvement, and development of housing. The housing element
16 shall identify adequate sites for housing, including rental housing,
17 factory-built housing, mobilehomes, and emergency shelters, and
18 shall make adequate provision for the existing and projected needs
19 of all economic segments of the community. The element shall
20 contain all of the following:

21 (a) An assessment of housing needs and an inventory of
22 resources and constraints relevant to the meeting of these needs.

23 The assessment and inventory shall include all of the following:

24 (1) An analysis of population and employment trends and
25 documentation of projections and a quantification of the locality’s
26 existing and projected housing needs for all income levels,
27 including extremely low income households, as defined in
28 subdivision (b) of Section 50105 and Section 50106 of the Health
29 and Safety Code. These existing and projected needs shall include
30 the locality’s share of the regional housing need in accordance
31 with Section 65584. Local agencies shall calculate the subset of
32 very low income households allotted under Section 65584 that
33 qualify as extremely low income households. The local agency
34 may either use available census data to calculate the percentage
35 of very low income households that qualify as extremely low
36 income households or presume that 50 percent of the very low
37 income households qualify as extremely low income households.
38 The number of extremely low income households and very low
39 income households shall equal the jurisdiction’s allocation of very
40 low income households pursuant to Section 65584.

1 (2) An analysis and documentation of household characteristics,
2 including level of payment compared to ability to pay, housing
3 characteristics, including overcrowding, and housing stock
4 condition.

5 (3) An inventory of land suitable for residential development,
6 including vacant sites and sites having potential for redevelopment,
7 and an analysis of the relationship of zoning and public facilities
8 and services to these sites.

9 (4) (A) The identification of a zone or zones where emergency
10 shelters are allowed as a permitted use without a conditional use
11 or other discretionary permit. The identified zone or zones shall
12 include sufficient capacity to accommodate the need for emergency
13 shelter identified in paragraph (7), except that each local
14 government shall identify a zone or zones that can accommodate
15 at least one year-round emergency shelter. If the local government
16 cannot identify a zone or zones with sufficient capacity, the local
17 government shall include a program to amend its zoning ordinance
18 to meet the requirements of this paragraph within one year of the
19 adoption of the housing element. The local government may
20 identify additional zones where emergency shelters are permitted
21 with a conditional use permit. The local government shall also
22 demonstrate that existing or proposed permit processing,
23 development, and management standards are objective and
24 encourage and facilitate the development of, or conversion to,
25 emergency shelters. Emergency shelters may only be subject to
26 those development and management standards that apply to
27 residential or commercial development within the same zone except
28 that a local government may apply written, objective standards
29 that include all of the following:

30 (i) The maximum number of beds or persons permitted to be
31 served nightly by the facility.

32 (ii) Off-street parking based upon demonstrated need, provided
33 that the standards do not require more parking for emergency
34 shelters than for other residential or commercial uses within the
35 same zone.

36 (iii) The size and location of exterior and interior onsite waiting
37 and client intake areas.

38 (iv) The provision of onsite management.

39 (v) The proximity to other emergency shelters, provided that
40 emergency shelters are not required to be more than 300 feet apart.

1 (vi) The length of stay.

2 (vii) Lighting.

3 (viii) Security during hours that the emergency shelter is in
4 operation.

5 (B) The permit processing, development, and management
6 standards applied under this paragraph shall not be deemed to be
7 discretionary acts within the meaning of the California
8 Environmental Quality Act (Division 13 (commencing with Section
9 21000) of the Public Resources Code).

10 (C) A local government that can demonstrate to the satisfaction
11 of the department the existence of one or more emergency shelters
12 either within its jurisdiction or pursuant to a multijurisdictional
13 agreement that can accommodate that jurisdiction's need for
14 emergency shelter identified in paragraph (7) may comply with
15 the zoning requirements of subparagraph (A) by identifying a zone
16 or zones where new emergency shelters are allowed with a
17 conditional use permit.

18 (D) A local government with an existing ordinance or ordinances
19 that comply with this paragraph shall not be required to take
20 additional action to identify zones for emergency shelters. The
21 housing element must only describe how existing ordinances,
22 policies, and standards are consistent with the requirements of this
23 paragraph.

24 (5) An analysis of potential and actual governmental constraints
25 upon the maintenance, improvement, or development of housing
26 for all income levels, including the types of housing identified in
27 paragraph (1) of subdivision (c), and for persons with disabilities
28 as identified in the analysis pursuant to paragraph (7), including
29 land use controls, building codes and their enforcement, site
30 improvements, fees and other exactions required of developers,
31 and local processing and permit procedures. The analysis shall
32 also demonstrate local efforts to remove governmental constraints
33 that hinder the locality from meeting its share of the regional
34 housing need in accordance with Section 65584 and from meeting
35 the need for housing for persons with disabilities, supportive
36 housing, transitional housing, and emergency shelters identified
37 pursuant to paragraph (7). Transitional housing and supportive
38 housing shall be considered a residential use of property, and shall
39 be subject only to those restrictions that apply to other residential
40 dwellings of the same type in the same zone.

1 (6) An analysis of potential and actual nongovernmental
2 constraints upon the maintenance, improvement, or development
3 of housing for all income levels, including the availability of
4 financing, the price of land, and the cost of construction.

5 (7) An analysis of any special housing needs, such as those of
6 the elderly; persons with disabilities, including a developmental
7 disability, as defined in Section 4512 of the Welfare and
8 Institutions Code; large families; farmworkers; families with female
9 heads of households; and families and persons in need of
10 emergency shelter. The need for emergency shelter shall be
11 assessed based on annual and seasonal need. The need for
12 emergency shelter may be reduced by the number of supportive
13 housing units that are identified in an adopted 10-year plan to end
14 chronic homelessness and that are either vacant or for which
15 funding has been identified to allow construction during the
16 planning period. An analysis of special housing needs by a city or
17 county may include an analysis of the need for frequent user
18 coordinated care housing services.

19 (8) An analysis of opportunities for energy conservation with
20 respect to residential development. Cities and counties are
21 encouraged to include weatherization and energy efficiency
22 improvements as part of publicly subsidized housing rehabilitation
23 projects. This may include energy efficiency measures that
24 encompass the building envelope, its heating and cooling systems,
25 and its electrical system.

26 (9) An analysis of existing assisted housing developments that
27 are eligible to change from low-income housing uses during the
28 next 10 years due to termination of subsidy contracts, mortgage
29 prepayment, or expiration of restrictions on use. "Assisted housing
30 developments," for the purpose of this section, shall mean
31 multifamily rental housing that receives governmental assistance
32 under federal programs listed in subdivision (a) of Section
33 65863.10, state and local multifamily revenue bond programs,
34 local redevelopment programs, the federal Community
35 Development Block Grant Program, or local in-lieu fees. "Assisted
36 housing developments" shall also include multifamily rental units
37 that were developed pursuant to a local inclusionary housing
38 program or used to qualify for a density bonus pursuant to Section
39 65916.

1 (A) The analysis shall include a listing of each development by
2 project name and address, the type of governmental assistance
3 received, the earliest possible date of change from low-income
4 use, and the total number of elderly and nonelderly units that could
5 be lost from the locality's low-income housing stock in each year
6 during the 10-year period. For purposes of state and federally
7 funded projects, the analysis required by this subparagraph need
8 only contain information available on a statewide basis.

9 (B) The analysis shall estimate the total cost of producing new
10 rental housing that is comparable in size and rent levels, to replace
11 the units that could change from low-income use, and an estimated
12 cost of preserving the assisted housing developments. This cost
13 analysis for replacement housing may be done aggregately for
14 each five-year period and does not have to contain a
15 project-by-project cost estimate.

16 (C) The analysis shall identify public and private nonprofit
17 corporations known to the local government which have legal and
18 managerial capacity to acquire and manage these housing
19 developments.

20 (D) The analysis shall identify and consider the use of all federal,
21 state, and local financing and subsidy programs which can be used
22 to preserve, for lower income households, the assisted housing
23 developments, identified in this paragraph, including, but not
24 limited to, federal Community Development Block Grant Program
25 funds, tax increment funds received by a redevelopment agency
26 of the community, and administrative fees received by a housing
27 authority operating within the community. In considering the use
28 of these financing and subsidy programs, the analysis shall identify
29 the amounts of funds under each available program which have
30 not been legally obligated for other purposes and which could be
31 available for use in preserving assisted housing developments.

32 (b) (1) A statement of the community's goals, quantified
33 objectives, and policies relative to the maintenance, preservation,
34 improvement, and development of housing.

35 (2) It is recognized that the total housing needs identified
36 pursuant to subdivision (a) may exceed available resources and
37 the community's ability to satisfy this need within the content of
38 the general plan requirements outlined in Article 5 (commencing
39 with Section 65300). Under these circumstances, the quantified
40 objectives need not be identical to the total housing needs. The

1 quantified objectives shall establish the maximum number of
2 housing units by income category, including extremely low income,
3 that can be constructed, rehabilitated, and conserved over a
4 five-year time period.

5 (c) A program which sets forth a schedule of actions during the
6 planning period, each with a timeline for implementation, which
7 may recognize that certain programs are ongoing, such that there
8 will be beneficial impacts of the programs within the planning
9 period, that the local government is undertaking or intends to
10 undertake to implement the policies and achieve the goals and
11 objectives of the housing element through the administration of
12 land use and development controls, the provision of regulatory
13 concessions and incentives, the utilization of appropriate federal
14 and state financing and subsidy programs when available, and the
15 utilization of moneys in a low- and moderate-income housing fund
16 of an agency if the locality has established a redevelopment project
17 area pursuant to the Community Redevelopment Law (Division
18 24 (commencing with Section 33000) of the Health and Safety
19 Code). In order to make adequate provision for the housing needs
20 of all economic segments of the community, the program shall do
21 all of the following:

22 (1) Identify actions that will be taken to make sites available
23 during the planning period with appropriate zoning and
24 development standards and with services and facilities to
25 accommodate that portion of the city's or county's share of the
26 regional housing need for each income level that could not be
27 accommodated on sites identified in the inventory completed
28 pursuant to paragraph (3) of subdivision (a) without rezoning, and
29 to comply with the requirements of Section 65584.09. Sites shall
30 be identified as needed to facilitate and encourage the development
31 of a variety of types of housing for all income levels, including
32 multifamily rental housing, factory-built housing, mobilehomes,
33 housing for agricultural employees, supportive housing,
34 single-room occupancy units, emergency shelters, and transitional
35 housing.

36 (A) Where the inventory of sites, pursuant to paragraph (3) of
37 subdivision (a), does not identify adequate sites to accommodate
38 the need for groups of all household income levels pursuant to
39 Section 65584, rezoning of those sites, including adoption of
40 minimum density and development standards, for jurisdictions

1 with an eight-year housing element planning period pursuant to
2 Section 65588, shall be completed no later than three years after
3 either the date the housing element is adopted pursuant to
4 subdivision (f) of Section 65585 or the date that is 90 days after
5 receipt of comments from the department pursuant to subdivision
6 (b) of Section 65585, whichever is earlier, unless the deadline is
7 extended pursuant to subdivision (f). Notwithstanding the
8 foregoing, for a local government that fails to adopt a housing
9 element within 120 days of the statutory deadline in Section 65588
10 for adoption of the housing element, rezoning of those sites,
11 including adoption of minimum density and development standards,
12 shall be completed no later than three years and 120 days from the
13 statutory deadline in Section 65588 for adoption of the housing
14 element.

15 (B) Where the inventory of sites, pursuant to paragraph (3) of
16 subdivision (a), does not identify adequate sites to accommodate
17 the need for groups of all household income levels pursuant to
18 Section 65584, the program shall identify sites that can be
19 developed for housing within the planning period pursuant to
20 subdivision (h) of Section 65583.2. The identification of sites shall
21 include all components specified in subdivision (b) of Section
22 65583.2.

23 (C) Where the inventory of sites pursuant to paragraph (3) of
24 subdivision (a) does not identify adequate sites to accommodate
25 the need for farmworker housing, the program shall provide for
26 sufficient sites to meet the need with zoning that permits
27 farmworker housing use by right, including density and
28 development standards that could accommodate and facilitate the
29 feasibility of the development of farmworker housing for low- and
30 very low income households.

31 (2) Assist in the development of adequate housing to meet the
32 needs of extremely low, very low, low-, and moderate-income
33 households.

34 (3) Address and, where appropriate and legally possible, remove
35 governmental constraints to the maintenance, improvement, and
36 development of housing, including housing for all income levels
37 and housing for persons with disabilities. The program shall remove
38 constraints to, and provide reasonable accommodations for housing
39 designed for, intended for occupancy by, or with supportive
40 services for, persons with disabilities.

1 (4) Conserve and improve the condition of the existing
2 affordable housing stock, which may include addressing ways to
3 mitigate the loss of dwelling units demolished by public or private
4 action.

5 (5) Promote housing opportunities for all persons regardless of
6 race, religion, sex, marital status, ancestry, national origin, color,
7 familial status, or disability.

8 (6) Preserve for lower income households the assisted housing
9 developments identified pursuant to paragraph (9) of subdivision
10 (a). The program for preservation of the assisted housing
11 developments shall utilize, to the extent necessary, all available
12 federal, state, and local financing and subsidy programs identified
13 in paragraph (9) of subdivision (a), except where a community has
14 other urgent needs for which alternative funding sources are not
15 available. The program may include strategies that involve local
16 regulation and technical assistance.

17 (7) Include an identification of the agencies and officials
18 responsible for the implementation of the various actions and the
19 means by which consistency will be achieved with other general
20 plan elements and community goals.

21 (8) Include a diligent effort by the local government to achieve
22 public participation of all economic segments of the community
23 in the development of the housing element, and the program shall
24 describe this effort.

25 (d) (1) A local government may satisfy all or part of its
26 requirement to identify a zone or zones suitable for the
27 development of emergency shelters pursuant to paragraph (4) of
28 subdivision (a) by adopting and implementing a multijurisdictional
29 agreement, with a maximum of two other adjacent communities,
30 that requires the participating jurisdictions to develop at least one
31 year-round emergency shelter within two years of the beginning
32 of the planning period.

33 (2) The agreement shall allocate a portion of the new shelter
34 capacity to each jurisdiction as ~~credit towards~~ *toward* its emergency
35 shelter need, and each jurisdiction shall describe how the capacity
36 was allocated as part of its housing element.

37 (3) Each member jurisdiction of a multijurisdictional agreement
38 shall describe in its housing element all of the following:

39 (A) How the joint facility will meet the jurisdiction's emergency
40 shelter need.

1 (B) The jurisdiction's contribution to the facility for both the
2 development and ongoing operation and management of the
3 facility.

4 (C) The amount and source of the funding that the jurisdiction
5 contributes to the facility.

6 (4) The aggregate capacity claimed by the participating
7 jurisdictions in their housing elements shall not exceed the actual
8 capacity of the shelter.

9 (e) Except as otherwise provided in this article, amendments to
10 this article that alter the required content of a housing element
11 shall apply to both of the following:

12 (1) A housing element or housing element amendment prepared
13 pursuant to subdivision (e) of Section 65588 or Section 65584.02,
14 when a city, county, or city and county submits a draft to the
15 department for review pursuant to Section 65585 more than 90
16 days after the effective date of the amendment to this section.

17 (2) Any housing element or housing element amendment
18 prepared pursuant to subdivision (e) of Section 65588 or Section
19 65584.02, when the city, county, or city and county fails to submit
20 the first draft to the department before the due date specified in
21 Section 65588 or 65584.02.

22 (f) The deadline for completing required rezoning pursuant to
23 subparagraph (A) of paragraph (1) of subdivision (c) shall be
24 extended by one year if the local government has completed the
25 rezoning at densities sufficient to accommodate at least 75 percent
26 of the units for low- and very low income households and if the
27 legislative body at the conclusion of a public hearing determines,
28 based upon substantial evidence, that any of the following
29 circumstances exist:

30 (1) The local government has been unable to complete the
31 rezoning because of the action or inaction beyond the control of
32 the local government of any other state, federal, or local agency.

33 (2) The local government is unable to complete the rezoning
34 because of infrastructure deficiencies due to fiscal or regulatory
35 constraints.

36 (3) The local government must undertake a major revision to
37 its general plan in order to accommodate the housing-related
38 policies of a sustainable communities strategy or an alternative
39 planning strategy adopted pursuant to Section 65080.

1 The resolution and the findings shall be transmitted to the
2 department together with a detailed budget and schedule for
3 preparation and adoption of the required rezonings, including plans
4 for citizen participation and expected interim action. The schedule
5 shall provide for adoption of the required rezoning within one year
6 of the adoption of the resolution.

7 (g) (1) If a local government fails to complete the rezoning by
8 the deadline provided in subparagraph (A) of paragraph (1) of
9 subdivision (c), as it may be extended pursuant to subdivision (f),
10 except as provided in paragraph (2), a local government may not
11 disapprove a housing development project, nor require a
12 conditional use permit, planned unit development permit, or other
13 locally imposed discretionary permit, or impose a condition that
14 would render the project infeasible, if the housing development
15 project (A) is proposed to be located on a site required to be
16 rezoned pursuant to the program action required by that
17 subparagraph and (B) complies with applicable, objective general
18 plan and zoning standards and criteria, including design review
19 standards, described in the program action required by that
20 subparagraph. Any subdivision of sites shall be subject to the
21 Subdivision Map Act (Division 2 (commencing with Section
22 66410)). Design review shall not constitute a “project” for purposes
23 of Division 13 (commencing with Section 21000) of the Public
24 Resources Code.

25 (2) A local government may disapprove a housing development
26 described in paragraph (1) if it makes written findings supported
27 by substantial evidence on the record that both of the following
28 conditions exist:

29 (A) The housing development project would have a specific,
30 adverse impact upon the public health or safety unless the project
31 is disapproved or approved upon the condition that the project be
32 developed at a lower density. As used in this paragraph, a “specific,
33 adverse impact” means a significant, quantifiable, direct, and
34 unavoidable impact, based on objective, identified written public
35 health or safety standards, policies, or conditions as they existed
36 on the date the application was deemed complete.

37 (B) There is no feasible method to satisfactorily mitigate or
38 avoid the adverse impact identified pursuant to paragraph (1), other
39 than the disapproval of the housing development project or the

1 approval of the project upon the condition that it be developed at
2 a lower density.

3 (3) The applicant or any interested person may bring an action
4 to enforce this subdivision. If a court finds that the local agency
5 disapproved a project or conditioned its approval in violation of
6 this subdivision, the court shall issue an order or judgment
7 compelling compliance within 60 days. The court shall retain
8 jurisdiction to ensure that its order or judgment is carried out. If
9 the court determines that its order or judgment has not been carried
10 out within 60 days, the court may issue further orders to ensure
11 that the purposes and policies of this subdivision are fulfilled. In
12 any such action, the city, county, or city and county shall bear the
13 burden of proof.

14 (4) For purposes of this subdivision, “housing development
15 project” means a project to construct residential units for which
16 the project developer provides sufficient legal commitments to the
17 appropriate local agency to ensure the continued availability and
18 use of at least 49 percent of the housing units for very low, low-,
19 and moderate-income households with an affordable housing cost
20 or affordable rent, as defined in Section 50052.5 or 50053 of the
21 Health and Safety Code, respectively, for the period required by
22 the applicable financing.

23 (h) An action to enforce the program actions of the housing
24 element shall be brought pursuant to Section 1085 of the Code of
25 Civil Procedure.